

85636 AG vs PPI 8-29-07 Excerpt of Proceedings.txt

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1 REPORTER'S RECORD  
2 VOLUME 1 OF 1 VOLUMES  
3 TRIAL COURT CAUSE NO. 85,636  
4 ATTORNEY GENERAL GREGG ABBOTT, \* IN THE PROBATE COURT  
5 ON BEHALF FO THE PUBLIC \*  
6 INTEREST IN CHARITY \*  
7 VS. \* NO. 1 OF  
8 PRIMARILY PRIMATES, INC.; \*  
9 WALLACE W. SWETT, JR. \*  
10 INDIVIDUALLY AND IN HIS \*  
11 CAPACITY AS AN OFFICER AND \*  
12 DIRECTOR OF PRIMARILY PRIMATES, \*  
13 INC., STEPHEN RENE TELLO, \*  
14 ROBERT O. MCNAUGHTON, TIMOTHY \*  
15 K. MORGAN, KENNETH E. O'BERG, \*  
16 LOU GRIFFIN O'NEILL, AND RUBY \*  
17 CHRISTINE STEVENS \* TRAVIS COUNTY, TEXAS  
18 \*\*\*\*\*

12 EXCERPT OF PROCEEDINGS;  
13 PARTIAL TESTIMONY OF LEE THEISEN-WATT  
14 \*\*\*\*\*  
15 On the 29th day of August, 2007, the  
16 following Excerpt of Proceedings; Partial Testimony of Lee  
17 Theisen-Watt came on to be heard outside the presence of a  
18 jury, in the above-entitled and numbered cause before the  
19 Honorable Guy Herman, Judge Presiding, held in Austin, Travis  
20 County, Texas.  
21 Proceedings reported by Computerized  
22 Stenotype Machine; Reporter's Record produced by  
23 Computer-Assisted Transcription.

22 MELISSA VOIGT  
23 Official Court Reporter  
24 C.S.R. Certification No. 4886  
25 Probate Court No. 1, Travis County  
1000 Guadalupe, Rm. 217  
Austin, Texas 78701  
(512) 854-9258

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1 A P P E A R A N C E S  
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EXHIBIT A  
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85636 AG vs PPI 8-29-07 Excerpt of Proceedings.txt

WINSTEAD, P.C.

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ATTORNEY FOR APPLICANT LEE THEISEN-WATT

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Phone: (512) 495-6051

ATTORNEY FOR RESPONDENT

3

P R O C E E D I N G S

August 29, 2007

(Whereupon an excerpt of proceedings  
was transcribed as follows:)

LEE THEISEN-WATT,  
Page 2

EXHIBIT A

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8 was called as a witness by the Applicant having been first  
9 duly sworn, testified as follows:

10

11

CROSS-EXAMINATION

12 BY MR. CHESTER:

13 Q. All right. Just a couple more questions. You're  
14 aware that the Court of Appeals stayed you from permanently  
15 transferring any animals in November?

16 A. Yes.

17 Q. All right. That order was made aware to you by  
18 your attorneys, I assume?

19 A. Yes.

20 Q. Okay.

21 A. That no animals were to be transferred on a  
22 permanent basis.

23 Q. Right. And did you permanently transfer any  
24 animals after the date of those court orders?

25 A. No, I did not.

4

1 Q. Did you send two chimps to Chimps Inc. on or about  
2 March 12th?

3 A. Yes.

4 Q. And was that a permanent transfer?

5 A. No, it was not.

6 Q. Is there anything that you said to Chimps Inc.  
7 that might lead them to believe that that was a permanent  
8 transfer?

9 A. No.

10 MR. PARRISH: Objection, calls for speculation.

11 THE COURT: Overrule the objection.

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MR. CHESTER: Thank you.

13 Q. (By Mr. Chester) Did you send 12 gibbons to IPPL  
14 on or about March 30th?

15 A. Yes.

16 Q. And did you say anything to them that might lead  
17 them to believe that it was a permanent transfer?

18 A. No.

19 Q. Same question about the longhorn steer to Margaret  
20 Gordon on or about April 21st. Did you send the longhorn  
21 steer?

22 A. Yes.

23 Q. Did you mean for that to be a permanent transfer?

24 A. None of those were permanent.

25 Q. And you didn't say anything to them to lead them

5

1 to believe that it would be permanent?

2 A. Most often the conversation I would have with  
3 these people would be this; that we all hope that these  
4 animals who were transferred out will be able to have lifetime  
5 care, however, I cannot guarantee that and that is why I need  
6 you to sign this contract, and it is with the understanding  
7 that if hell freezes over and it gets turned back, those  
8 animals may have to come back.

9 Q. Did you tell them you were under a court order  
10 that prevented you from permanently transferring any animals?

11 A. Yes. Everyone was aware of that and that's why so  
12 many of the potential recipients denied accepting any animals.

13 Q. What about the seven OSU chimps to Chimp Haven?  
14 Was that a permanent transfer?

15 A. No, they also signed the same agreement which  
16 indicated that it was a temporary.

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EXHIBIT A

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17 Q. Okay. So you had a clear understanding with Chimp  
18 Haven that that was a temporary transfer?

19 A. That legally it had to be stated, yes, and that it  
20 was temporary and --

21 Q. And you had that understanding with Chimp Haven?

22 A. Absolutely.

23 MR. CHESTER: Thank you. I'll pass the witness.

24 (End of excerpt.)

25

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1 THE STATE OF TEXAS )

2

TRIAL COURT CAUSE NO. 85,636

3 COUNTY OF TRAVIS )

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I, MELISSA VOIGT, Official Court Reporter in and  
5 for the Probate Court No. 1 of Travis County, State of Texas,  
6 do hereby certify that the above and foregoing contains a true  
7 and correct transcription of all portions of evidence and  
8 other proceedings requested in writing by counsel for the  
9 parties to be included in this volume of the Reporter's  
10 Record, in the above-styled and numbered cause, all of which  
11 occurred in open court or in chambers and were reported by me.

12 I further certify that this Reporter's Record of  
13 the proceedings truly and correctly reflects the exhibits, if  
14 any, offered by the respective parties.

15 I further certify that the total cost for the  
16 preparation of this Reporter's Record is \$  
17 and was paid by .

18 WITNESS MY OFFICIAL HAND this the day  
19 of , 2007.

20

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C.S.R. Certification No. 4886  
Expires: 12/08

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